

### **REMARKS**

Claims 17-26, 28-34, and 36-51 are now pending in the application. In light of the documentary evidence and arguments submitted herein, the Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

### **DECLARATION UNDER 37 C.F.R. § 1.131**

One of the co-inventors of the present application, Gregory P. Meisner, has executed a declaration (enclosed) in accordance with 37 C.F.R. §1.131 and §1.68 attesting that the date of conception and the date of reduction to practice of the presently claimed invention occurred prior to November 21, 2002. This declaration is being submitted with the purpose of overcoming the rejections contained in the non-final office action, namely the reference by Chen et al. "Interaction of Hydrogen with Metal Nitrides and Imides: Letters to Nature," Nature, Vol. 420, pp. 302-304 (Nov. 21, 2002) (hereinafter the "Chen" reference). Applicants submit that this declaration establishes that the inventive activities, specifically conception of the invention and reduction to practice, occurred prior to the publication date (*i.e.*, November 21, 2002) of the Chen reference and is not available as prior art to the present application, as will be discussed in more detail below.

### **REJECTION UNDER 35 U.S.C. §§ 102 AND 103**

Claims 17-26, 28-34, and 36-51 stand rejected under 35 U.S.C. § 102(a) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over the Chen reference. This rejection is respectfully traversed.

As noted above, a §1.131 Declaration submitted by Inventor G. Meisner establishes that the inventive activities related to Claims 17-26, 28-34, and 36-51 of the present invention occurred prior to November 21, 2002, the publication date of the Chen reference. The conception and reduction to practice of the present invention pre-date the publication/effective date of the Chen reference pursuant to §102(a) and/or §103(a). As such, Applicant submits that Chen is not prior art to the invention as claimed in the present application and that none of Claims 17-26, 28-34, and 36-51 can be anticipated or rendered obvious over the Chen reference. Applicants respectfully request reconsideration of the claims and withdrawal of the rejections.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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